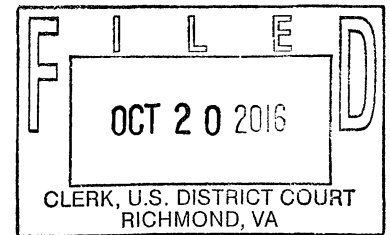


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



UNITED STATES OF AMERICA

v.

Criminal No. 3:07CR100

JAVIER CRUZ GARCIA,

Petitioner.

MEMORANDUM OPINION

By Memorandum Opinion and Order entered on July 7, 2015, the Court denied a 28 U.S.C. § 2255 motion filed by Garcia. (ECF Nos. 41, 42.) On June 21, 2016, the United States Court of Appeals for the Fourth Circuit denied Garcia's request for authorization to file a successive § 2255 motion. (ECF No. 47.) By Memorandum Opinion and Order entered on July 15, 2016, the Court dismissed for lack of jurisdiction an unauthorized, successive motion under 28 U.S.C. § 2255 filed by Garcia. (ECF Nos. 52, 53.)

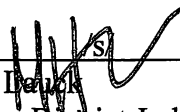
On September 29, 2016, the Court received another motion under 28 U.S.C. § 2255 from Garcia again seeking relief in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015). ("§ 2255 Motion," ECF No. 55.) On September 30, 2016, the Fourth Circuit denied Garcia's second request for authorization to file a successive § 2255 motion. (ECF No. 56.)

The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of the district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and sentences by establishing a "gatekeeping mechanism." *Felker v. Turpin*, 518 U.S. 651, 657 (1996) (internal quotation marks omitted). Specifically, "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order

authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). This Court has not received authorization from the United States Court of Appeals for the Fourth Circuit to allow Garcia to file a successive § 2255 motion. Accordingly, Garcia’s § 2255 Motion (ECF No. 55) will be DISMISSED FOR LACK OF JURISDICTION. A certificate of appealability will be DENIED.

An appropriate Order shall issue.

Date: SEP 20 2016
Richmond, Virginia



M. Hannah DeLoach
United States District Judge